



07/30/04

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/828,561	04/21/2004	Rodolfo Fernandez JR.	

RODOLFO FERNANDEZ JR.
308 FULTON STREET
KINGS MOUNTAIN, NC 28086



CONFIRMATION NO. 6167
FORMALITIES LETTER

OC000000013307484

Date Mailed: 07/22/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that they contain non-ASCII files. A new duplicate set of compact discs with only ASCII files is required. Any replacement compact disc submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. If a directory of the disc could be printed, it is attached and non-ASCII files are marked on the directory listing.
- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that only a single copy of each disc was provided. A duplicate copy of each compact disc must be provided on Compact Disc-Read Only Memory (CD-ROM) or a Compact Disc-Recordable (CD-R) media. Any replacement compact discs submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set.
- This application is objected to because it contains a data file on CD-ROM/CD-R, however, the transmittal letter does not list for each compact disc, the machine format, the operating system compatibility, a list of files contained on the compact disc including their names, sizes in bytes, and dates of creation, plus any other special information that is necessary to identify, maintain, and interpret the information on the compact disc as required by 37 CFR 1.52(e)(3). A statement listing the required information is required. Additionally, the disc(s) is not identified in the paper portion of the specification with a listing of all of the files contained on the disc. When portions of an application are contained on a compact disc, the paper portion of the specification must identify the compact disc(s) and list the files including name, file size, and creation date on each of the compact discs. See 37 CFR 1.52(e). Applicant(s) are required to amend the specification to identify each disc and the files contained on the disc including the file name, file size, and file creation date.
- This application contains compact disc(s) as part of the originally filed subject matter or as an amendment, however the information contained on the compact disc(s) is not one of the types of information that may be submitted on compact disc(s). (see 37 CFR 1.52(e)).

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Ahuad
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



July 28, 2004

APPLICATION No. 10/828,561; FILING DATE: 04/21/2004; CONFIRMATION No. 6167

Title: Combined Portable Fan Candy Holder Author: Rodolfo Fernandez Jr.

FORMALITIES LETTER: OC000000013307484 DATE MAILED: 07/22/2004

**REPLY TO: NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
APPLIATION, FILED UNDER 37CFR 1.53(b)**

SIR:

The author respectfully responds to the notice of the reference (enclosed) as follows:

1.- According to PATENT RULE 37CFR 1.52 (e) (1), regarding *Electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application or reexamination proceeding*, the following documents may be submitted to the Office on a compact disc in compliance with said paragraph:

- (i) A computer program listing (see paragraph 1.96);
- (ii) A "Sequence Listing" (submitted under paragraph 1.821(c)); or
- (iii) A table (according to paragraph 1.58) that has more than 50 pages of text.

(Underlined by the author)

2.- The compact disc submitted with the filing documents of the patent application of the reference does not contain any information of the kind listed above in 1.52 (e) (1), and hence, does not comply with the conditions to be admitted (not required) as part of the permanent records of the USPTO in the file of a patent application, since it is neither a computer program listing, or a "Sequence Listing", nor a table.

3.- The author's intention submitting said compact disc, was to provide in good faith an additional, and not required at all, material to facilitate the examination procedures.

4.- Since, apparently, said compact disc as submitted is not useful and, what is worst, misled the procedures, the author respectfully requests it to be discarded as not required as part of the permanent record in the file of the present application proceeding.

5.- For any further clarification, in addition to the formal contact procedures, the author may be contacted through E-mail to the following address: rodmar3841@aol.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodolfo Fernandez Jr."

Rodolfo Fernandez Jr.